

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BARBARA JEANNE ALTEMEIER, §
§
PLAINTIFF, §
§
v. §
§
DALLAS COUNTY, TEXAS (1); et al., §
§
DEFENDANTS. §

No. 3:10-CV-02646-N (BK)

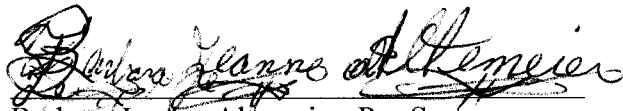
**PLAINTIFF'S RESPONSE TO DEFENDANTS, FRUITPORT TOWNSHIP AND
JAMES SCHULTZ'S, MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)
AND 12(c)**

NOW COMES Barbara Jeanne Altemeier, Plaintiff, to file this Plaintiff's Response to Defendants, Fruitport Township and James Schultz's, Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c) and would show the Court the following to wit:

Plaintiff intends to promptly respond to Defendants' motion to dismiss after this Court has made a determination and ruling on the Plaintiff's Request for Clerk's Entry of Default against Fruitport Township and James Schultz. As stated in Plaintiff's recent Reply to Response to Default Judgment, not only were Defendants outside of the twenty-one (21) day limit to answer the Original Complaint but were outside of the twenty-one (21) day limit in answering the First Amended Complaint after service of summons. Again, Defendants' counsel misrepresented their default by blaming it on whether he could proceed Pro Hac Vice; however, the application for admission to appear Pro Hac Vice by Defendants was not filed until January 19, 2011, thirty-three (33) days after receiving the complaint.

THEREFORE, IT IS Prayed that Plaintiff's Response to Defendants, Fruitport Township and James Schultz's, Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c) be denied as moot.

Respectively submitted,

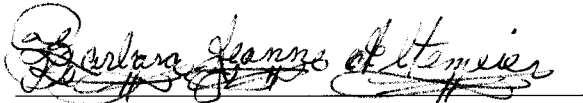
A handwritten signature in cursive script, reading "Barbara Jeanne Altemeier", written over a horizontal line.

Barbara Jeanne Altemeier, Pro Se
13861 Yockey Street
Garden Grove, California 92844
(714) 379-9557

VERIFICATION

IT IS HEREBY Verified that under the penalties of perjury that the foregoing Plaintiff's Response to Defendants, Fruitport Township and James Schultz's, Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c) is true and correct to the best of my knowledge and belief.

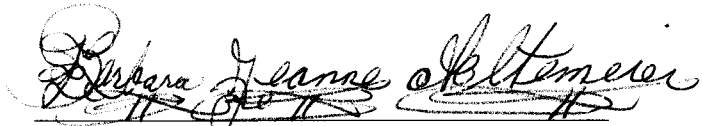
Witness my hand and seal this 28th day of February, 2011.

A handwritten signature in cursive script, reading "Barbara Jeanne Altemeier", written over a horizontal line.

Barbara Jeanne Altemeier

CERTIFICATE OF SERVICE

IT IS HEREBY Certified that a copy of the aforementioned Plaintiff's Response to Defendants, Fruitport Township and James Schultz's, Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) and 12(c) was sent by First Class Mail on the 28th day of February, 2011 to the Defendants below.



Barbara Jeanne Altemeier

G. Gus Morris
McGraw Morris P.C.
2075 W. Big Beaver Road
Troy, Michigan 48084